

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                              |   |                      |
|------------------------------|---|----------------------|
| ANDREW BROOKS,               | : |                      |
|                              | : |                      |
| Plaintiff,                   | : |                      |
|                              | : |                      |
| v.                           | : | C. A. No. 15-676-GMS |
|                              | : |                      |
| TEACH FOR AMERICA, INC. and  | : |                      |
| DELAWARE COLLEGE PREPARATORY | : |                      |
| ACADEMY, INC.,               | : |                      |
|                              | : |                      |
| Defendants.                  | : |                      |

**MEMORANDUM ORDER**

This matter was referred for mediation by The Honorable Gregory M. Sleet after suspension of the scheduling orders entered in this matter, in the apparent attempt to see if this case could be resolved early and without incurring expenses related to litigation.

In this regard, defendant requested work related information after the termination of plaintiff's employment with it. This request was granted and plaintiff was required to produce certain limited information by January 6, 2017: his pay stubs, W2s, inclusive dates of employment and the identity of his employers since the termination of his employment that resulted in this action. Although plaintiff produced what information he had in this regard, he apparently believes such information is confidential, despite the fact that in this employment discrimination matter he demands past and future lost income. In light of the claims that plaintiff has raised, such information is not confidential since he has placed his past and future lost income at issue and is seeking

recovery in this regard. Defendant offered, for the purpose of mediation only to accept the ordered information from plaintiff for attorneys' eyes only.<sup>1</sup> The court finds defendant's proposal as contained in its letter of January 18, 2017 to be acceptable.

Plaintiff requested through a letter dated January 4, 2017, that he be provided certain information which is well beyond anything requested by defendant or needed for mediation. Most information requested by plaintiff is of the type that is sought when the matter is being fully litigated. In addition, the requests are broad. Here, the scheduling orders have been vacated and the matter stayed except for the purpose of mediation. Regarding the items requested by plaintiff, the court orders production of the Declaration (or Dec) sheet of defendant's applicable insurance policy or policies to this matter, and to further advise by letter whether any insurance coverage is being provided under a reservation of rights letter, and/or is presently limited to providing defense related costs and expenses. This information shall be provided on or before February 21, 2017. Granting this request does not mean that valuation of plaintiff's damages is in any way reflected by the amount of insurance coverage that may be available in relation to his claim.

Plaintiff's other requests for mediation are denied. However, this order is not intended to address the appropriateness of his remaining requests which is reserved should mediation be unsuccessful and the litigation stay lifted, thereby allowing further discovery.

Dated: 2/13/17

/s/ Mary Pat Thyng  
Chief Magistrate Judge

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<sup>1</sup> See defendant's letter of January 18, 2017.